JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

purpose of initiating the errit des	Site bites: (BDD Histitesti						
I. (a) PLAINTIFFS The United States of America				DEFENDANTS			
The United States of America				JUAN A. ROZIER 249 Lindley Avenue Philadelphia, PA 1912	0		
(b) County of Residence of	f First Listed Plaintiff			County of Residence	of First Listed Defendant Phila	delphia	
(b) County of Residence of First Listed Plaintiff				NOTE:	(IN U.S. PLAINTIFF CASES ON IN LAND CONDEMNATION CA THE TRACT OF LAND INVOLV	VLY) ASES, USE THE LOCATION OF	
(c) Attorneys (Firm Name, Address, and Telephone Number)				Attorneys (If Known)	-		
701 Market Stree	o, P.C. – Rebecca A. et, Ste. 5000, Phila., colarz@kmllawgroup	PA 19106	ire				
II. BASIS OF JURISDI	CTION (Place an "X" in O	ne Box Only)	III. C		NCIPAL PARTIES (Place		
X 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)			(For Diversity Cases Only) P Citizen of This State	TF DEF 1 X 1 Incorporated or Prin of Business In Th		
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of	ersity dicate Citizenship of Parties in Item III)		Citizen of Another State 2 2 Incorporated and Principal Place 5 5 of Business In Another State 5			
· .			(Citizen or Subject of a Foreign Country	3 Foreign Nation	6 6	
IV. NATURE OF SUIT	(Place an "X" in One Box On	ıly)		•			
CONTRACT	TOF			FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance	PERSONAL INJURY 310 Airplane	PERSONAL INJ 365 Personal Inju		625 Drug Related Seizure of Property 21 USC 881	422 Appeal 28 USC 158 423 Withdrawal	375 False Claims Act 400 State Reapportionment	
120 Marine 130 Miller Act	315 Airplane Product	Product Liab		690 Other	28 USC 157	410 Antitrust	
140 Negotiable Instrument	Liability	367 Health Care/	-			430 Banks and Banking	
150 Recovery of Overpayment	320 Assault, Libel &	Pharmaceutic			PROPERTY RIGHTS 820 Copyrights	450 Commerce 460 Deportation	
& Enforcement of Judgment 151 Medicare Act	Slander 330 Federal Employers'	Personal Inju Product Liabi			830 Patent	470 Racketeer Influenced and	
X 152 Recovery of Defaulted	Liability	368 Asbestos Per			840 Trademark	Corrupt Organizations	
Student Loans	340 Marine	Injury Produ	ct		GOOTAL GROVINAMA	480 Consumer Credit 490 Cable/Sat TV	
(Excludes Veterans) 153 Recovery of Overpayment	345 Marine Product Liability	Liability PERSONAL PRO	PERTY	LABOR 710 Fair Labor Standards	861 HIA (1395ff)	850 Securities/Commodities/	
of Veteran's Benefits	350 Motor Vehicle	370 Other Fraud		Act	862 Black Lung (923)	Exchange	
160 Stockholders' Suits	355 Motor Vehicle	371 Truth in Lend		720 Labor/Management	863 DIWC/DIWW (405(g)) 864 SSID Title XVI	890 Other Statutory Actions 891 Agricultural Acts	
190 Other Contract 195 Contract Product Liability	Product Liability 360 Other Personal	380 Other Person Property Dan		Relations 740 Railway Labor Act	864 SSID Title AVI 865 RSI (405(g))	893 Environmental Matters	
195 Contract Froduct Liability	Injury	385 Property Dan		751 Family and Medical		895 Freedom of Information	
	362 Personal Injury -	Product Liabi	lity	Leave Act	,	Act 896 Arbitration	
REAL PROPERTY	Medical Malpractice CIVIL RIGHTS	PRISONER PETI	FIONS	790 Other Labor Litigation 791 Employee Retirement	FEDERAL TAX SUITS	899 Administrative Procedure	
210 Land Condemnation	440 Other Civil Rights	Habeas Corpus:		Income Security Act	870 Taxes (U.S. Plaintiff	Act/Review or Appeal of	
220 Foreclosure	441 Voting	463 Alien Detains			or Defendant)	Agency Decision	
230 Rent Lease & Ejectment	442 Employment	510 Motions to V	acate -		871 IRS—Third Party 26 USC 7609	950 Constitutionality of State Statutes	
240 Torts to Land 245 Tort Product Liability	443 Housing/ Accommodations	Sentence 530 General			20 656 7007	Sate Statutes	
290 All Other Real Property	445 Amer. w/Disabilities	535 Death Penalt	y i	IMMIGRATION			
	Employment	Other:	. [462 Naturalization Application	1		
	446 Amer. w/Disabilities Other	540 Mandamus & 550 Civil Rights	Other	465 Other Immigration Actions			
	448 Education	555 Prison Condi	tion	rictions	·		
		560 Civil Detaine					
		Conditions of Confinement					
V. ORIGIN (Place an "X" in 1 Original 2 Rer		anded from		Reinstated or 5 Tran	nsferred from 6 Multidis	strict	
		ellate Court		Reopened Ano	ther-District————Litigation	on	
	Cite the U.S. Civil Statu	te under which you	are filin	g (Do not cite jurisdictional state	utes unless diversity):		
VI. CAUSE OF	28 U.S.C. 1345	•		•			
ACTION	Brief description of caus	se:					
ACTION	Enforced Collection					·	
			ON	DEMAND \$	CHECK YES only	if demanded in complaint:	
VII. REQUESTED IV CHECK II THIS IS NOT CHECK II THI							
VIII. RELATED CASE	E(S) (See instructions):				DOGUETA TO THE		
IF ANY JUDGE DOCKET NUMBER							
DATE 10/25/16 SIGNATURE OF ATTORNEY OF RECORD							
FOR OFFICE USE/ONLY							

<u>UNITED STATES DISTRICT COURT</u> FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMI			
	Plaintiff	CIVIL ACTION NO.	
VS.		•	
JUAN A. ROZIER	•		
	Defendant		
shall complete a case Man complaint and serve a copy form.) In the event that the defendants shall, with their	agement Track Designation on all defendants. (See § 1:0 defendants do not agree with first appearance, submit to the ement track designation form	Reduction Plan of this court, counsel Form in all civil cases at the time of 3 of the plan set forth on the reverse a the plaintiff regarding said designatine clerk of court and serve on the plain specifying the track to which those	of filing the side of this ion, that the ntiff and all
SELECT ONE OF THE F	OLLOWING CASE MAN	AGEMENT TRACKS:	
(a)	Habeas Corpus Cases §2241 through §2255.	brought under 28 U.S.C.	()
(b)	Social Security Cases decision of the Secretar Services denying plainti		()
(c)	Arbitration Cases req arbitration under Local	uired to be designated for Civil Rule 53.2.	()
(d)	Asbestos Cases involvor property damage from	ving claims for personal injury n exposure to asbestos.	()
(e)	(a) through (d) that are and that need special or	Cases that do not fall into tracks commonly referred to as complex intense management by the court. If form for a detailed explanation of	
	special management cas	ses.)	()
(f)	Standard Management - any one of the other trace	- Cases that do not fall into	(X)
10/17/2016		V	
Date		<i>I</i>	
		a A. Solarz, Esq. ey for Plaintiff, United States of An	nerica
		Ivania Attorney I.D. No. 315936	
		000 - RNV Independence Center	

Attorney for Plaintiff, United States of Pennsylvania Attorney I.D. No. 315936
Suite 5000 – BNY Independence Center 701 Market Street
Philadelphia, PA 19106-1532
(215) 825-6327 (Direct)
FAX (215) 825-6443
rsolarz@kmllawgroup.com

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case of the purpose of assignment to appropriate calendar.

Address of Plaintiff: c/o Suite 5000 – BNY Independence Center, 701 Market Street, Philadelphia, PA 19106-1532							
Address of Defendants: 249 Lindley Avenue Philadelphia, PA 19120							
Place of Accident, Incident or Transaction: <u>ACTION OF ENFORCED COLLECTIONS</u> (Use Reverse Side For Additional Space)							
Does this case involve multi-district litigation possibilities?	Yes □ No 🖫						
RELATED CASE, IF ANY:							
Case Number: Judge:	Date Terminated:						
Civil cass are deemed related when yes is answered to any of the following questions:							
1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes □ No No No No No No No No No							
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in							
this court?	Yes □ No 🔀						
3. Does this case involve the validity or infringement of a patent already in suit or an	ny earlier number case pending or within one year previously terminated						
action in this court?	Yes □ No 🔀						
CIVIL. (Place in ONE CATEGORY ONLY) A. Federal Question Cases 1. Indemnity Contract, Manne contract, and All Other Contracts 2. FELA 3. Jones Act-Personal Injury 4. Antitrust 5. Patent 6. Labor-Management Relations 7. Civil rights 8. Habeas Corpus 9. Securities Act(s) Cases 10. Social Security Review Cases 11. All other Federal Question Cases (Please specify) Foreclosure of property encumbered by a federal mortgage. ARBITRATION CERT							
ı, Rebecca A. Solarz, Esq. , counsel of record do here by certify:							
	knowledge and belief, the damages recoverable in this civil action case						
\square Relief other than monetary damages is sought.							
DATE:	(sig) 315936 aw Attorney i.d.#						
NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 39.							
I certify that, to my knowledge, the within case is not related to any case now pending noted above. DATE: 10/17/16 Attorney-at-La	(sig) 315936						

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

VS.

JUAN A. ROZIER

Defendant

COMPLAINT

The United States of America, on behalf of its Agency, U.S. Department of Education, by its specially appointed counsel, Rebecca A. Solarz of KML LAW GROUP, P.C., represents as follows:

- 1. This Court has jurisdiction pursuant to 28 U.S.C. 1345.
- 2. The last-known address of the Defendants, JUAN A. ROZIER ("Defendant") is 249 Lindley Avenue, Philadelphia, PA 19120.
- 3. That the defendant is indebted to the plaintiff in principal amount of \$543.48, plus interest of \$556.90, for a total of \$1,100.38. A true and correct copy of the Certificate of Indebtedness is attached as Exhibit "A" ("Certificate of Indebtedness").
- 4. That the defendant is indebted to the plaintiff in principal amount of \$1,578.18, plus interest of \$1,516.70, for a total of \$3,094.88. A true and correct copy of the Certificate of Indebtedness is attached as Exhibit "B" ("Certificate of Indebtedness").

Demand has been made upon Defendant by Plaintiff for the sum due but 5. the amount due remains unpaid.

WHEREFORE, the plaintiff demands judgment against Defendant as follows;

- (A) In the amount \$4,195.26.
- (B) Plus filing fee allowed pursuant to 28 U.S.C., Section 1914 in the sum of \$150.00.
- (C) Interest from the date of judgment at the legal rate of interest in effect on the date of judgment until paid in full.
- (D) Costs of suit.

Notice is hereby given to Defendant that Plaintiff intends to seek satisfaction of any judgment rendered in it favor in this action from any debt accruing.

> United States of America by and through its specially appointed counsel KML Law Group, P.C.

By: Rebecca A. Solarz, Esquire

BNY Independence Center

701 Market Street

Suite 5000

Philadelphia, PA 19106-1532

(215)825-6327

rsolarz@kmllawgroup.com

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

VS.

JUAN A. ROZIER

Defendant

EXHIBITS

"A" CERTIFICATE OF INDEBTEDNESS
"B" CERTIFICATE OF INDEBTEDNESS

U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 2

Juan A. Rozier 249 Lindley Ave. Philadelphia, PA 19120-3312 Account No. xxx-xx-9139

I certify that U. S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 10/14/16.

On or about 06/16/90 the borrower executed promissory note(s) to secure loan(s) of \$511.00 from BNE-Worcester. This loan was disbursed for \$511.00 on 07/09/90 through 07/11/90 at a variable rate of interest to be established annually by the Department of Education. The loan obligation was guaranteed by American Student Assistance (MHEAC), and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 03/23/91, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$543.48 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to $34 \text{ C.F.R.} \\ $682.410(b)(4)$, once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on <math>10/01/03$, assigned its right and title to the loan to the Department.

Since the assignment of the loan, the Department has credited a total of \$13.51 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:

\$ 543.48

Interest:

\$ 556.90

Total debt as of 10/14/16:

\$ 1,100.38

Interest accrues on the principal shown here at the current rate of 3.80% and a daily rate of \$0.05 through June 30, 2017, and thereafter at such rate as the Department establishes pursuant to section 427A of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1077a.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/14/16

Christopher Bolander

Loan Analyst/Litigation Support

U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #2 OF 2

Juan A. Rozier 249 Lindley Ave. Philadelphia, PA 19120-3312 Account No. xxx-xx-9139

I certify that U. S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 10/14/16.

On or about 06/16/90 the borrower executed promissory note(s) to secure loan(s) of \$1,500.00 from SMLA/Loan Servicing Center/New Engl. This loan was disbursed for \$1,500.00 on 07/13/90 at a variable rate of interest to be established annually by the Department of Education. The loan obligation was guaranteed by American Student Assistance (MHEAC), and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 10/27/97, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$1,617.25 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. \S 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 10/01/03, assigned its right and title to the loan to the Department.

Since the assignment of the loan, the Department has credited a total of \$36.49 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:

\$1,578.18

Interest:

\$1,516.70

Total debt as of 10/14/16:

\$ 3,094.88

Interest accrues on the principal shown here at the current rate of 3.80% and a daily rate of \$0.16 through June 30, 2017, and thereafter at such rate as the Department establishes pursuant to section 427A of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1077a.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/14/16

Christopher Bolander

Loan Analyst/Litigation Support